IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITIN NO. 810 OF 2005

Smt. Rajendra Kaur Seth ... Applicant

V/s

The State of Maharashtra ... Respondents

Mr Rishi Bhuta for applicant

Shri A.S. Shitole,APP for the State.

Coram : V.M. Kanade, J.

Dated : 11/04/2005.

P.C. :-

1 I have heard the learned counsel for the applicant and APP for the State.

2 The applicant is challenging the order of the Magistrate rejecting the complaint filed by the complainant under sections 379 , 320 and 114 of the Indian Penal Code. The order passed by the Magistrate under section 203 of the Criminal Procedure Code was confirmed by the Session Court in revision application which was filed by the applicant herein.

3 The case of the applicant/complainant in the complaint is that certain cheques were stolen from his house. The accused No.1 who was frequently visiting his house had stolen those cheques.It is alleged that this fact become known to the complainant after the complaint

was filed by the accused under section 138 of Negotiable Instruments Act.

4 The Magistrate and the Session Court have considered the submissions made by the learned counsel for the complainant and have observed that no intimation was given by the complainant to the bank about the cheques were being stolen and almost after one year,the letter was sent to the bank.Thus both the courts have observed that this conduct created doubt about the case of the complainant. In my view, the Magistrate has cogent reason while dismissing the complaint. The Session court has confirmed the order of the Magistrate. I do not seen any reasons to interfere with the said order. Accordingly, criminal writ petition is dismissed.

(V.M.Kanade, J.)